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## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BOCIMAR INTERNATIONAL N.V.,

: 07-cv-9522 (PKC/JCF)

Plaintiff,

-against-

ALEXANDRIA NATIONAL IRON AND STEEL CO. SAE d/b/a AL EZZ DEKHEILA : FOR RELEASE OF BALANCE STEEL COMPANY - ALEXANDRIA a/k/a : OF ATTACHED FUNDS AND AL EZZ DEKHEILA STEEL

: STIPULATION AND ORDER FOR DISMISSAL WITH : PREJUDICE

Defendant.

WHEREAS, Plaintiff, BOCIMAR INTERNATIONAL NV., has brought this action to confirm and enforce an award rendered in London arbitration dated August 10, 2007; and

WHEREAS, proceeds from an electronic funds transfer being sent from Defendant, AL EZZ DEKHEILA STEEL COMPANY - ALEXANDRIA, in the sum of \$265,862.28 have been restrained by The Bank of New York Mellon pursuant to the Process of Maritime Attachment and Garnishment (PMAG) issued in this matter; and

WHEREAS, by prior Order dated November 5, 2007, \$241,629.35 of the attached funds were released from attachment for remittance to Defendant, leaving a balance of funds under attachment of \$24,232.93.

WHEREAS the parties have now resolved their remaining disputes and stipulate to the release and remittance of the balance of attached funds in the amount \$24,232.93 as follows;

## IT IS HEREBY STIPULATED AND AGREED that:

1. The sum of \$22,000.00 shall be transferred by garnishee The Bank of New York Mellon:

Fortis Bank Meir 48 2000 Antwerpen Belgium

Account Name: Bocimar International N.V. Account No.: IBAN BE98 2200 0268 2993

SWIFT Code: GEBA BE BB 18A

Correspondent Bank for Fortis Bank:

Citibank, New York SWIFT Code: CITIUS33

2. The remaining sum of \$2,232.93 shall be transferred by garnishee The Bank of New York Mellon to:

BNP Paribas Egypt SAE Monandessin Branch

Account Name: Al Ezz Dekheila Steel Co. Account Number: 00117-080004-011 SWIFT CODE: BNPAEGCXXXX

- 3. Undersigned counsel for Plaintiff shall provide The Bank of New York Mellon with a copy of the endorsed Stipulation and Order and request the immediate transfer of the aforementioned funds, in correspondence copied to undersigned counsel for Defendant.
- 4. The above entitled action is here by dismissed with prejudice and without costs, subject to re-opening within thirty (30) days of docketing in the event any further intervention by the Court is necessary with respect to the implementation of this Stipulation and Order, including, but not limited to, the release and transfer of the restrained funds.

Dated: November 12, 2007

LAW OFFICES OF SIMON HARTER, ESQ. Attorneys for Plaintiff

By:

Simon Harter, Esq. (SH-8540) 304 Park Avenue South – 11<sup>th</sup> Floor New York, NY 10010

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## **BAKER & McKENZIE LLP**

Attorneys for Defendant – making a Restricted Appearance pursuant to Rule E(8) of the Supplemental Rules For Certain Admiralty and Maritime Claims

By:

Charles B. Cummings, Esq. (CC-0438) 1114 Avenue of the Americas New York, New York 10036 (212) 626-4100

SO ORDERED:

November 2007

Hon. P. Kevin Castel, U.S.D.J.